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5 Attorneys for Defendant FASHION NOVA, INC.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 JUAN ALCAZAR, individually and on behalf  
of all others similarly situated,

12  
13 Plaintiff,

14 vs.

15 FASHION NOVA, INC., a California  
Corporation; and DOES 1 to 10, inclusive,

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17 Defendants.  
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Case No. 4:20-cv-01434-JST

**DECLARATION OF ROBERT W. CONTI  
IN RESPONSE TO ORDER TO SHOW  
CAUSE RE SANCTIONS FOR FAILING  
TO APPEAR AT CASE MANAGEMENT  
CONFERENCE**

1 I, ROBERT W. CONTI, hereby declare and state:

2 1. I am a shareholder with the law firm of Littler Mendelson and am lead counsel for  
3 Defendant FASHION NOVA, INC. (“Defendant”) in the above-captioned matter. I am duly  
4 licensed to practice law in the State of California and before the United States District Court for the  
5 Northern District of California. I am filing this declaration in response to the Court’s May 18, 2021  
6 Order to Show Cause why sanctions should not be imposed for not appearing for the May 18, 2021  
7 case management conference. Except where otherwise indicated, all the information contained  
8 herein is based upon my personal knowledge and if called and sworn as a witness, I could and would  
9 competently testify thereto.

10 2. It is this firm’s custom and practice to make certain that all dates issued by a court be  
11 promptly calendared. It is my custom and practice as well. In this instance, instead of using the  
12 firm’s formal calendaring process, I relied upon a colleague who mistakenly calendared the case  
13 management conference at 8:00 a.m. on May 18, 2021. As counsel of record, I understand and  
14 acknowledge that it is my ultimate responsibility to make certain that all dates are calendared  
15 properly and that I appear as directed by the Court.

16 3. At or around 2:50 p.m. on May 18, this Court’s Courtroom Deputy sent an email to  
17 me, my assistant, counsel for Plaintiff and their paralegal, and my colleague who has the primary  
18 client relationship with Defendant. I had been away from my computer earlier in the day, and I had  
19 an out of office message on. My assistant also was not working at that time and had an out of office  
20 message on. My colleague called me at or around 2:59 after he received and reviewed the email  
21 from the Courtroom Deputy.

22 4. I immediately attempted to dial into the conference, but I mistakenly clicked the  
23 Zoom Guidance and Setup link thinking it was the link to the conference. It took me some time to  
24 realize my mistake and locate the appropriate link. I then had trouble connecting with that link. By  
25 the time I did so, however, the conference had concluded. I received an email at or around 3:03 p.m.  
26 from the Courtroom Deputy notifying all of the parties that the hearing had concluded. When I saw  
27 that email, I immediately responded apologizing to the Court and the parties and explained that I was  
28 having connectivity issues.

6. Accordingly, I respectfully request that this Court forego, this time, the imposition of monetary sanctions.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 25th day of May 2021 in Long Beach, California.

/s/Robert W. Conti  
Robert W. Conti

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